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HOUSE BILL 2074
By Turner (Dav)

AN ACT to amend Tennessee Code Annotated, Title 50; Title 56;
Title 68 and Title 71, relative to the insurance coverage of
employees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by
adding the following as a new section to be appropriately designated:

Section 71-5-____.

(a)

(1) In addition to other persons to whom the bureau of TennCare
determines to be uninsurable, a person with a high-cost condition shall be
eligible for medical assistance under the terms of the TennCare waiver or
any successor federal waiver as an uninsurable.

(2) For the purposes of this section "high-cost condition" means
acquired immune deficiency syndrome (AIDS), angina pectoris, ascites,
chemical dependency, cirrhosis of the liver, coronary insufficiency,
coronary occlusion, cystic fibrosis, Friedreich's ataxia, hemophilia,

Hodgkin's disease, Huntington's chorea, juvenile diabetes, leukemia, metastatic cancer, motor or sensory aphasia, multiple sclerosis, muscular dystrophy, myasthenia gravis, myotonia, open-heart surgery, Parkinson's disease, polycystic kidney, psychotic disorders, quadriplegia, stroke, syringomyelia, Wilson's disease, chronic renal failure, malignant neoplasm of the trachea, malignant neoplasm of the bronchus, malignant neoplasm of the lung, malignant neoplasm of the colon, short gestation period for a newborn child, and low birth weight of a newborn child. The bureau of TennCare is authorized to add by rule additional medical conditions which it determines to be high cost conditions suitable for constituting uninsurability. Such rules shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

(b) The provisions of this section shall take effect to the extent that all required approvals have been obtained from the federal department of health and human services under the terms of the federal TennCare waiver or any successor waiver.

SECTION 2. Tennessee Code Annotated, Title 50, Chapter 7, Part 6, is amended by adding the following as a new section:

50-7-613.

(a) In addition to any other information collected on the quarterly wage report required pursuant to this chapter, the department shall require employers to report by employee on each quarterly report whether the employer offered health insurance to each employee.

(b) The commissioner of commerce and insurance in consultation with the bureau of TennCare may establish by rule a definition of health insurance for the

department of labor and workforce development to use in implementing the provisions of this section. Such rules shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

(c) The department of labor and workforce development shall provide the information on employee health insurance gathered pursuant to the provisions of this section to the bureau of TennCare for the bureau to use in administering the provisions of Title 71, Chapter 5, Part 1. The department shall consult with the bureau concerning the format for transmitting the required information.

SECTION 3. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following language as a new section to be appropriately designated.

Section _____. In addition to any other information required by the bureau of TennCare in determining the eligibility for medical assistance of an individual as an uninsurable under the provisions of this part, the bureau shall require such individual's application to include two (2) letters of declination of health insurance or health coverage from entities authorized to provide such insurance or coverage pursuant to the provisions of Title 56.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.